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[1] IN THE UNITED STATES DISTRICT COURT
IN AND FOR DISTRICT OF DELAWARE

[2]

[3] WILLIE DAVIS, JR.,)
NATHANIEL BRIDDELL,)
[4] GEORGE W. FEDDIMAN,)
JOSEPH GARRISON,)
[5] ROY H. WALTERS,)
ALL SIMILARLY-SITUATED CURRENT)
[6] AND FORMER EMPLOYEES OF)
MOUNTAIRE FARMS, INC.,)
[7] MOUNTAIRE FARMS OF DELMARVA,)
INC., and MOUNTAIRE FARMS)
[8] OF DELAWARE, INC.,)
Plaintiffs,)
[9] -vs-) C.A. No. 04-0414-KAJ
[10] MOUNTAIRE FARMS, INC.,)
MOUNTAIRE FARMS OF)
[11] DELMARVA, INC., and)
MOUNTAIRE FARMS OF)
[12] DELAWARE, INC., all Delaware)
corporations,)
[13] Defendants.)

[14] Deposition of ROY H. WALTERS, taken before
[15] Pamela C. Washington, Registered Professional Reporter
and Notary Public, at the law offices of Young,
[16] Conaway, Stargatt & Taylor, 110 West Pine Street,
Georgetown, Delaware, on February 15, 2005, beginning
[17] at 10:00 a.m.

[18] APPEARANCES:

[19] On behalf of the Plaintiffs:
Margolis Edelman
[20] BY: JEFFREY K. MARTIN, ESQ.
and KERI WILLIAMS, ESQ.
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[22] On behalf of the Defendant:
Shawe Rosenthal
[23] BY: ARTHUR M. BREWER, ESQ.
and LAURA A. PIERSON SCHEINBERG, ESQ.
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[1] I-N-D-E-X

[2] Witness:
ROY H. WALTERS

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[1] WHEREUPON:

[2] ROY WALTERS,

[3] having first been duly sworn by the court reporter,
[4] thereupon testified upon his oath as follows:

[5] BY MR. BREWER:

[6] Q Hi, Mr. Walters, we've known each other
[7] for a long time, but for the record, I'll introduce
[8] myself, I'm Art Brewer.

[9] We have a standard stipulation with the
[10] only caveat to that is if you wish to read your
[11] deposition before you sign it, that will be your call.

[12] I'm going to ask you a number of
[13] questions here; have you ever been deposed before,
[14] sir?

[15] A No.

[16] Q Okay. You understand that you're under
[17] oath today, and that you have an obligation to tell
[18] the truth?

[19] A Yes.

[20] Q Okay. This is informal, as you can
[21] see, but it's important that you understand that this
[22] has the same force and effect as testimony in a
[23] courtroom for a judge or jury.

[24] A Yes.

[25] Q The court reporter is going to be

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[1] taking down your answers to my questions, as you can
[2] see. I'd like you to understand that at trial, I'll
[3] have an opportunity to bring to the attention of the
[4] judge or jury any conflicts in your testimony today
[5] from any testimony you may give later on.

[6] A Yes.

[7] Q Okay. If there is any question that I
[8] ask you that you don't understand, please don't answer
[9] it; just ask me to explain it so that you do
[10] understand the question, okay?

[11] A I'll agree.

[12] Q Okay. Because if you answer a
[13] question, we're all going to assume that you
[14] understood what I asked you, okay?

[15] A I understand that.

[16] Q All right, good. Sir, do you have any
[17] physical or mental problems which would interfere with
[18] your ability to answer my questions today?

[19] A No.

[20] Q Are you on any medication at all today?

[21] A Blood pressure.

[22] Q Okay. And that's
[23] you're on, is for your blood pressure
[24] A Yes.

[25] Q Do you feel that

EXHIBIT

tabbles

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[1] Q Okay. And did you have any
 [2] responsibility with respect to making sure they knew
 [3] how to go about catching chickens?
 [4] A I don't understand that one.
 [5] Q Okay. When a new catcher comes in to
 [6] your crew, okay, do you have any responsibility to
 [7] make sure he knows what he's doing?
 [8] A No.
 [9] Q No?
 [10] A No.
 [11] Q He just comes onto your crew and you
 [12] just turn him loose?
 [13] A He's ordered by the company.
 [14] Q He's ordered by the company?
 [15] A He's -- he's hired by Mountaire, he's
 [16] placed by Mountaire. I have no control over the
 [17] placement in the crew; they evaluate the man, they
 [18] hire the man, they place the man.
 [19] Q You have some input into who gets
 [20] hired, though, don't you?
 [21] A No.
 [22] Q How about Mr. George Drummond, are you
 [23] telling me you had no input into him getting hired at
 [24] all?
 [25] A No. Only to tell him to go to the

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[1] A Like anyone else.
 [2] Q And he did?
 [3] A I assume, yes.
 [4] Q Well, and he's working for you, isn't
 [5] he?
 [6] A Yes.
 [7] Q And how about Leon Tucker, didn't
 [8] Isaiah Daniels refer him to you?
 [9] A No, he referred him to Mountaire.
 [10] Q He referred him to Mountaire?
 [11] A Yes.
 [12] Q Okay. So then you don't have any
 [13] impact at all then as to who gets hired at all?
 [14] A No.
 [15] Q Okay. You can discipline people,
 [16] though?
 [17] A Yes.
 [18] Q And you have, haven't you?
 [19] A To a point, according to the work.
 [20] That's company policy that they allow me to follow.
 [21] Q So now this new catcher who comes to
 [22] your crew, who you don't do anything with, right? He
 [23] just walks into your crew and introduces himself and
 [24] says, "Hi, I'm John." And you say, "Fine, John. I'm
 [25] Roy," and he just goes to work, you don't have

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[1] plant and get signed up, and go through the company's
 [2] procedure.
 [3] Q Right. So you told Mr. Drummond -- how
 [4] did you come to get to Mr. Drummond?
 [5] A Mr. Drummond asked me as a crew leader
 [6] how he could get a job with Mountaire, and I informed
 [7] him of the position that he had to go through in order
 [8] to get a job, that's all.
 [9] Q So you told him, "Gosh, sure. Go to
 [10] there and get --"
 [11] A I didn't say sure.
 [12] Q What did you say to Mr. Drummond?
 [13] A I said, "Mr. Drummond, you have to go
 [14] through company policy to work for Mountaire."
 [15] Q Okay. And do you know what that policy
 [16] is?
 [17] A You have to go through the channels, go
 [18] through personnel, drug tests -- what's the other
 [19] part? TB test. I'm not fully familiar with all of
 [20] the stuff that a man --
 [21] Q So you don't know what goes on in human
 [22] resources?
 [23] A No.
 [24] Q But you told him if he wanted a job, he
 [25] could go to human resources?

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[1] anything to do with his training?
 [2] A No.
 [3] Q If he does something wrong, you can
 [4] write him up, can't you?
 [5] A Yes.
 [6] Q Okay. How does he know not to do
 [7] something wrong?
 [8] A I consider the experience that he place
 [9] toward the company when they consider him. That's,
 [10] you know, that's entirely up to the company; the man
 [11] goes in the company and said, "I'm a chicken catcher,"
 [12] then how do they know that he's a chicken catcher?
 [13] They hire him and --
 [14] Q How do you know he's a chicken catcher?
 [15] A I don't.
 [16] Q You don't?
 [17] A I don't.
 [18] Q And, yet, when you don't know, there's
 [19] nothing you do to make sure that he --
 [20] A I inform my supervisor.
 [21] Q Let me just ask the question, rephrase
 [22] the question. When a new person comes to your crew
 [23] as a catcher, you don't know whether he's a catcher,
 [24] if I understood your answer, correct?
 [25] A Yes.